



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/552,935 | 10/11/2005 | Minjoon Kim | VT7-005US | 6898 |

959 7590 06/17/2009
LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON, MA 02109

| |
|----------|
| EXAMINER |
|----------|

RAJ, RAJIV J

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3686

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

06/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/552,935 | | KIM ET AL. | |
| | Examiner | | Art Unit | |
| | RAJIV J. RAJ | | 3686 | |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9,11,18-23,26,30,34-39,43,45,46,52-56,58,59,62-67 and 69-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1, 3-6, 9, 11, 18-23, 26, 30, 34-39, 43, 45, 46, 52-56, 58-59, 62-67 and 69-75

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 27 August 2008.
2. Claims 1, 3-6, 9, 26, 34, 62 and 72-73 have been amended.
3. Claims 74-75 have been added.
4. Claims 2, 7-8, 10, 12-17, 24-25, 31-33, 40-42, 44, 47-51, 57, 60-61 and 68 have been canceled.
5. Claims 1, 3-6, 9, 11, 18-23, 26, 30, 34-39, 43, 45, 46, 52-56, 58-59, 62-67 and 69-75 are currently pending and have been examined.

Priority

6. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. In light of Application's amendment of claims 26, the previous rejection is withdrawn.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1, 4-6, 9, 11, 18-23, 26, 30, 62-64, 69 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alleckson et al. (US 6336900 B1) (hereinafter Alleckson) in view of Frid et al. (US 5857967) (hereinafter Frid).

12. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim 1

Alleckson as shown, discloses the following limitations:

- *converting measured data so as to generate biological measurement information data and/or measurement information data including the biological measurement data, (see at least Alleckson Column:6 Lines:60-67 Column:7 Lines:1-5 & 60-67)*
- *automatically transmit/receive the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein. (see at least Alleckson Column:2 Lines:62-67 Column:3 Lines:1-10)*

Alleckson does not disclose the following limitations, however Frid, as shown does:

- *a portable measurement unit for performing a biological measurement for diagnosing a user's health; (see at least Frid Column:4 Lines:14-25)*
- *a server connected to a communication network and including a database for storing the measurement information data, the measurement information data being classified by collecting and analyzing the measurement information data; (see at least Frid Fig:1 Items:10-40 Fig:3 Items:14-60)*
- *a cradle connected to the portable measurement unit (see at least Frid Column:1 Lines:16-21 & 33-40)*

- *the cradle automatically communicating to the portable measurement unit when putting the portable measurement unit on the cradle; (see at least Frid Fig:1 Items:10-40 Fig:3 Items:14-60)*

It would have been obvious to one of ordinary skill in the art to add these features into Alleckson. One of ordinary skill in the art would have added these features into Alleckson with the motivation of providing a more efficient, accurate, and reliable system for home healthcare monitoring. (see at least Frid Column:1 Lines:63-67).

Claim 4

The combination of Alleckson/Frid disclose all of the limitations of claim 1. Alleckson further discloses the following limitation:

- *a medical center allowing a medical specialist to transfer diagnosis information about the measurement information data to the server or the emergency server by using the measurement information data received from the server or the emergency server (see at least Alleckson Column:3 Lines:48-58)*

Claim 5

The combination of Alleckson/Frid disclose all of the limitations of claim 1. Alleckson further discloses the following limitation:

- *the cradle automatically transmits or receives the measurement information data and the diagnosis information to or from the server by a predetermined time interval (see at least Alleckson Column:2 Lines:62-67 & Column:3 Lines:1-10)*

Claim 6

The combination of Alleckson/Frid disclose all of the limitations of claim 1. Alleckson further discloses the following limitation:

- *the cradle automatically transmits or receives the measurement information data and the diagnosis information to or from the server immediately after the portable measurement unit is coupled with the cradle (see at least Alleckson Column:2 Lines:62-67 & Column:3 Lines:1-10)*

Claim 9

The combination of Alleckson/Frid disclose all of the limitations of claim 3. Alleckson further discloses the following limitation:

- *the cradle makes communication with the server or the emergency server by using a part of tones generated as communication control codes and the rest of tones generated as data signals based on dual tone multi-frequency (DTMF) (see at least Alleckson Column:14 Lines:30-57 Fig:2 Items:106-130, & related text)*

Examiner notes that it is understood by those skilled in the art that *dual tone multi-frequency* is an obvious component in using telephone lines and telephone devices.

Claim 11

The combination of Alleckson/Frid disclose all of the limitations of claim 1. Frid further discloses the following limitation:

- *the measurement information data includes at least a part or all of the biological measurement data, a measurement time of the biological measurement data, an*

ID of the portable measurement unit, and an ID of a user (see at least Frid Fig:2 & related text)

It would have been obvious to one of ordinary skill in the art to add these features into Alleckson. One of ordinary skill in the art would have added these features into Alleckson with the motivation of providing a more efficient, accurate, and reliable system for home healthcare monitoring. (see at least Frid Column:1 Lines:63-67).

Claim 18

The combination of Alleckson/Frid disclose all of the limitations of claim 1. Alleckson further discloses the following limitation:

- *the cradle includes a second connection unit connected to the portable measurement unit or the server and/or a second central processing unit for processing, analyzing, or storing data (see at least Alleckson Fig:2 Items:108A, 114 & related text)*

Claim 19

The combination of Alleckson/Frid disclose all of the limitations of claim 18. Alleckson further discloses the following limitation:

- *the connection unit includes a second communication module for transmitting/receiving information using a second communication port of the cradle or the second communication port and wired/wireless communication (see at least Alleckson Column:9 Lines:58-67 & Column:10 Lines:1-4).*

Claim 20

The combination of Alleckson/Frid disclose all of the limitations of claim 18.

Alleckson further discloses the following limitation:

- *the data includes at least one selected from the group consisting of the measurement information data, environment data, indication data for indicating whether or not new data exist, range indication data for indicating a range of the new data, and error data (see at least Alleckson Column:4 Lines:38-44)*

Claim 21

The combination of Alleckson/Frid disclose all of the limitations of claim 20.

Alleckson further discloses the following limitation:

- *the environment data includes an address of the server and time for transferring the measurement information data (see at least Alleckson Column:10 Lines:64-67 & Column:11 Lines:1-6).*

Claim 22

The combination of Alleckson/Frid disclose all of the limitations of claim 21.

Alleckson further discloses the following limitation:

- *the environment data further includes an emergency address of the server or an address of an emergency server for transferring the measurement information data if an analysis result of the biological measurement data measured by the portable measurement unit determines that an emergency occurs (see at least Alleckson Column:10 Lines:64-67 & Column:11 Lines:1-6).*

Claim 23

The combination of Alleckson/Frid disclose all of the limitations of claim 20.

Alleckson further discloses the following limitation:

- *the environment data is remotely established and modified through information transferred from the server (see at least Alleckson Column:14 Lines:1-26).*

Claim 26

The combination of Alleckson/Frid disclose all of the limitations of claim 19.

Alleckson further discloses the following limitation:

- *the first communication port and the second communication port have concavo-convex electrodes attached thereto, so that the portable measurement unit is coupled with the cradle (see at least Alleckson Column:4 Lines:26-30).*

Claim 30

The combination of Alleckson/Frid disclose all of the limitations of claim 1.

Alleckson further discloses the following limitation:

- *the measurement information data temporarily stored in the portable measurement unit are delivered to the cradle when the portable measurement unit is coupled with the cradle (see at least Alleckson Column:11 Lines:51-64)*

Claim 62

Alleckson as shown, discloses the following limitations:

- *(a) allowing the cradle to perform biological measurement for diagnosing health of a user; (see at least Alleckson Column:6 Lines:60-67 Column:7 Lines:1-5 & 60-67)*

- *(b) allowing the signal processing module to convert a result of the biological measurement into biological measurement data; (see at least Alleckson Column:9 Lines:58-67 Column:10 Lines:1-4)*
- *(d) transferring the measurement information data received by the cradle to a server by using the program included in the cradle and the second communication module of the cradle, (see at least Alleckson Column:4 Lines:38-55 Fig:1,2 & related text)*
- *(e) transferring the measurement information data received by the cradle to the server by using the program included in the cradle and the second communication module of the cradle. (see at least Alleckson Column:4 Lines:38-55 Fig:1,2 & related text)*
- *automatically transmits/receives the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein; (see at least Alleckson Column:2 Lines:62-67 Column:3 Lines:1-10)*

Alleckson does not disclose the following limitations, however Frid, as shown does:

- *the program included in the cradle, the cradle being automatically operated when the portable measuring unit is contacted with the cradle, (see at least Frid Column:1 Lines:29-41 & Column:5 Lines:52-67)*
- *wherein the cradle automatically communicates to the portable measurement unit when putting the portable measurement unit on the cradle; (see at least Frid Fig:1 Items:10-40 Fig:3 Items:14-60 & related text)*

It would have been obvious to one of ordinary skill in the art to add these features into Alleckson. One of ordinary skill in the art would have added these features into Alleckson with the motivation of providing a more efficient, accurate, and reliable system for home healthcare monitoring. (see at least Frid Column:1 Lines:63-67).

Claim 63

The combination of Alleckson/Frid disclose all of the limitations of claim 62. Alleckson further discloses the following limitation:

- *(e) transferring the measurement information data received by the server to a medical center or a communication terminal* (see at least Alleckson Column:3 Lines:48-58)

Claim 64

The combination of Alleckson/Frid disclose all of the limitations of claim 63. Alleckson further discloses the following limitation:

- *(f) allowing the medical center to transmit diagnosis information to the server;* (see at least Alleckson Column:15 Lines:55-67 & Column:16 Lines:1-6)
- *(g) transferring the diagnosis information to the cradle;* (see at least Alleckson Column:15 Lines:55-67 & Column:16 Lines:1-6)
- *(h) transferring the diagnosis information received by the mounting server to the portable measurement unit* (see at least Alleckson Column:15 Lines:55-67 & Column:16 Lines:1-6)

Claim 69

The combination of Alleckson/Frid disclose all of the limitations of claim 19.

Alleckson further discloses the following limitation:

- *the first communication port and the second communication port have concavo-convex electrodes attached thereto, so that the portable measurement unit is coupled with the cradle (see at least Alleckson Column:4 Lines:26-30).*

13. Claims 3, 34-39, 45-46, 52-56, 58-59, 65-67 and 70-73 are rejected under 35 U.S.C.

103(a) as being unpatentable over Alleckson view of Frid in further view of Tacklind et al. (US 5704366) (hereinafter Tacklind).

Claim 3

The combination of Alleckson/Frid disclose all of the limitations of claim 1. Frid further discloses the following limitation:

- *an emergency server having an emergency address capable of providing highly-reliable communication (see at least Frid Fig:1 Items:10-22 & related text)*

It would have been obvious to one of ordinary skill in the art to add these features into Alleckson. One of ordinary skill in the art would have added these features into Alleckson with the motivation of providing a more efficient, accurate, and reliable system for home healthcare monitoring. (see at least Frid Column:1 Lines:63-67).

Frid does not disclose the following limitation, however Tacklind, as shown does:

- *if an analysis of the biological measurement data results in an emergency situation (see at least Tacklind Fig:4-D2 & related text)*

It would have been obvious to one of ordinary skill in the art to add these features into Frid. One of ordinary skill in the art would have added these features into Frid with the motivation of providing a link to patients for more efficient healthcare monitoring in non-clinical environments. (see at least Tacklind Column:4 Lines:4-13).

Claim 34

Alleckson as shown, discloses the following limitations:

- *(a) allowing the cradle to perform biological measurement for diagnosing health of a user; (see at least Alleckson Column:6 Lines:60-67 Column:7 Lines:1-5 & 60-67)*
- *(b) allowing the signal processing module to convert a result of the biological measurement into biological measurement data; (see at least Alleckson Column:9 Lines:58-67 Column:10 Lines:1-4)*
- *(d) transferring the measurement information data including a part of the biological measurement data to the cradle by using the second communication module of the cradle, the first communication module of the portable measurement unit, and (see at least Alleckson Column:4 Lines:38-55 Fig:1,2 & related text)*
- *(e) transferring the measurement information data received by the cradle to the server by using the program included in the cradle and the second communication module of the cradle. (see at least Alleckson Column:4 Lines:38-55 Fig:1,2 & related text)*

- *automatically transmits/receives the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein; (see at least Alleckson Column:2 Lines:62-67 Column:3 Lines:1-10)*

Alleckson does not disclose the following limitation, however Frid, as shown does:

- *the program included in the cradle, the cradle being automatically operated when the portable measuring unit makes contact with the cradle, if step (c) determines that no emergency occurs; (see at least Frid Column:1 Lines:29-41 & Column:5 Lines:52-67)*
- *wherein the cradle automatically communicates to the portable measurement unit when putting the portable measurement unit on the cradle; (see at least Frid Fig:1 Items:10-40 Fig:3 Items:14-60 & related text)*

It would have been obvious to one of ordinary skill in the art to add these features into Alleckson. One of ordinary skill in the art would have added these features into Alleckson with the motivation of providing a more efficient, accurate, and reliable system for home healthcare monitoring. (see at least Frid Column:1 Lines:63-67).

Frid does not disclose the following limitation, however Tacklind, as shown does:

- *(c) determining whether or not an emergency occurs according to an analysis result of the biological measurement data measured by the portable measurement unit; (see at least Tacklind Fig:4-D2 & related text)*

It would have been obvious to one of ordinary skill in the art to add these features into Frid. One of ordinary skill in the art would have added these features into Frid

with the motivation of providing a link to patients for more efficient healthcare monitoring in non-clinical environments. (see at least Tacklind Column:4 Lines:4-13).

Claim 35

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim 34. Alleckson further discloses the following limitation:

- *the step of (f) transferring the measurement information data received by the server to a medical center or a communication terminal (see at least Alleckson Column:3 Lines:48-58)*

Claim 36

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim 34. Alleckson further discloses the following limitations:

- *(d1) transferring an emergency signal to the cradle by wireless method by using the first communication module of the portable measurement unit, the second communication module of the cradle, (see at least Alleckson Claim:9)*
- *the program stored in the cradle, (see at least Alleckson Column:12 Lines:40-55)*
- *the cradle being automatically operated when the portable measurement unit is contacted with the cradle, if step (c) determines that an emergency occurs; and (see at least Alleckson Column:2 Lines:62-67 & Column:3 Lines:1-17)*
- *(d2) transferring the emergency signal received by the cradle to the server or an emergency server through the second communication module of the cradle. (see at least Alleckson Column:10 Lines:22-63)*

Claim 37

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

34. Alleckson further discloses the following limitation:

- *(d3) wirelessly transferring an emergency signal to the server or an emergency server through the first communication module of the portable measurement unit if step (c) determines that an emergency occurs (see at least Alleckson Claim:9)*

Claim 38

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

36. Alleckson further discloses the following limitation:

- *(d4) transferring the emergency signal received by the server or the emergency server to a medical center or a communication terminal (see at least Alleckson Column:10 Lines:22-63)*

Claim 39

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

38. Alleckson further discloses the following limitation:

- *(g1) allowing the medical center to transfer diagnosis information to the server or the emergency server; and (see at least Alleckson Column:15 Lines:55-67 & Column:16 Lines:1-6)*
- *(g2) transferring the diagnosis information received by the server or the emergency server to the portable measurement unit (see at least Alleckson Column:15 Lines:55-67 & Column:16 Lines:1-6)*

Claim 45

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim 34. Alleckson further discloses the following limitation:

- *(g) allowing the medical center to transmit diagnosis information to the server or the emergency server; (see at least Alleckson Column:15 Lines:55-67 & Column:16 Lines:1-6)*
- *(h) transferring the diagnosis information received by the server or the emergency server to the cradle (see at least Alleckson Column:15 Lines:55-67 & Column:16 Lines:1-6)*
- *(i) transferring the diagnosis information received by the cradle to the portable measurement unit (see at least Alleckson Column:15 Lines:55-67 & Column:16 Lines:1-6)*

Claim 46

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim 36. Alleckson further discloses the following limitation:

- *the cradle makes communication with the server or the emergency server on a basis of dual tone multi-frequency (DTMF) (see at least Alleckson Fig:2 Items:106,114,128,130, & related text)*

Examiner notes that it is understood by those skilled in the art that *dual tone multi-frequency* is an obvious component in using telephone lines and telephone devices.

Claim 52

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

34. Alleckson further discloses the following limitation:

- *the cradle includes a second connection unit connected to the portable measurement unit or the server and/or a second central processing unit for processing, analyzing, or storing data (see at least Alleckson Fig:2 Items:108A, 114 & related text)*

Claim 53

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

52. Alleckson further discloses the following limitation:

- *the data includes at least one selected from the group consisting of the measurement information data, environment data, indication data for indicating whether or not new data exist, range indication data for indicating a range of the new data, and error data (see at least Alleckson Column:4 Lines:38-44)*

Claim 54

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

53. Alleckson further discloses the following limitation:

- *the environment data includes a general address of the server and time for transferring the measurement information data (see at least Alleckson Column:10 Lines:64-67 & Column:11 Lines:1-6)*

Claim 55

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

54. Alleckson further discloses the following limitations:

- *the environment data further includes an emergency address of the server or an address of an emergency server for (see at least Alleckson Column:10 Lines:64-67 & Column:11 Lines:1-6)*
- *transferring the measurement information data if an analysis result of the biological measurement data measured by the portable measurement unit determines that an emergency occurs (see at least Alleckson Column:10 Lines:64-67 & Column:11 Lines:1-6)*

Claim 56

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

53. Alleckson further discloses the following limitation:

- *the environment data can be remotely established and modified through information transferred from the server (see at least Alleckson Column:14 Lines:1-26)*

Claim 58

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

34. Alleckson further discloses the following limitation:

- *the measurement information data temporarily stored in the portable measurement unit are delivered to the cradle when the portable measurement unit is coupled with the cradle (see at least Alleckson Column:11 Lines:51-64)*

Claim 59

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

34. Alleckson further discloses the following limitations:

- *the program included in the cradle includes a program of automatically transmitting/receiving the measurement information data and (see at least Alleckson Column:2 Lines:62-67 & Column:3 Lines:1-8)*
- *a program of automatically trying connection of the server and the cradle at time predetermined by the program included in the cradle or right after the portable measurement unit is contacted with the cradle (see at least Alleckson Column:2 Lines:62-67, Column:3 Lines:1-8 & Column:9 Lines:30-40)*

Alleckson does not disclose the following limitations, however Frid, as shown does:

- *the portable measurement unit is coupled with the cradle,*

It would have been obvious to one of ordinary skill in the art to add these features into Alleckson. One of ordinary skill in the art would have added these features into Alleckson with the motivation of providing a more efficient, accurate, and reliable system for home healthcare monitoring. (see at least Frid Column:1 Lines:63-67).

Claim 65

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

3. Alleckson further discloses the following limitation:

- *a medical center allowing a medical specialist to transfer diagnosis information about the measurement information data to the server or the emergency server*

by using the measurement information data received from the server or the emergency server (see at least Alleckson Column:3 Lines:48-66)

Claim 66

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

3. Alleckson further discloses the following limitation:

- *the cradle automatically transmits or receives the measurement information data and the diagnosis information to or from the server by a predetermined time interval (see at least Alleckson Column:2 Lines:62-67 & Column:3 Lines:1-17)*

Claim 67

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

3. Alleckson further discloses the following limitation:

- *the cradle automatically transmits or receives the measurement information data and (see at least Alleckson Column:2 Lines:62-67 & Column:3 Lines:1-17)*

Alleckson does not disclose the following limitations, however Tacklind, as shown does:

- *the diagnosis information to or from the server immediately after the portable measurement unit is coupled with the cradle (see at least Tacklind Claim:3)*

Claim 70

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

37. Alleckson further discloses the following limitation:

- *(d4) transferring the emergency signal received by the server or the emergency server to a medical center or a communication terminal (see at least Alleckson Column:10 Lines:22-63)*

Claim 72

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

37. Alleckson further discloses the following limitation:

- *the cradle makes communication with the server or the emergency server by using a part of tones generated as communication control codes and the rest of tones generated as data signals based on dual tone multi-frequency (DTMF) (see at least Alleckson Column:14 Lines:30-57 Fig:2 Items:106-130, & related text)*

Examiner notes that it is understood by those skilled in the art that *dual tone multi-frequency* is an obvious component in using telephone lines and telephone devices.

Claim 73

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim

45. Alleckson further discloses the following limitation:

- *the cradle makes communication with the server or the emergency server by using a part of tones generated as communication control codes and the rest of tones generated as data signals based on dual tone multi-frequency (DTMF) (see at least Alleckson Column:14 Lines:30-57 Fig:2 Items:106-130, & related text)*

Examiner notes that it is understood by those skilled in the art that *dual tone multi-frequency* is an obvious component in using telephone lines and telephone devices.

14. Claims 43 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alleckson view of Frid in further view of Tacklind, in further view of Shusterman (US 6471087 B1) (hereinafter Shusterman).

Claim 43

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim 36. Shusterman further discloses the following limitation:

- *the emergency signal is automatically transmitted by confirming a position of the portable measurement unit through a caller identification if the portable measurement unit or the cradle tries to perform call-connection to an emergency address of the server or an address of the emergency server (see at least Shusterman Column:3 Lines:65-67 & Column:4 Lines:1-14)*

One of ordinary skill in the art would have added these features into Alleckson/Frid/Tacklind with the motivation of providing a more cost-efficient and effective system for patient-health monitoring in non-clinical settings. (see at least Shusterman Column:1 Lines:10-25).

Claim 71

The combination of Alleckson/Frid/Tacklind disclose all of the limitations of claim 37. Shusterman further discloses the following limitation:

- *emergency signal is automatically transmitted by confirming a position of the portable measurement unit through a caller identification if the portable measurement unit or the cradle tries to perform call-connection to an emergency address of the server or an address of the emergency server (see at least Shusterman Column:3 Lines:65-67 & Column:4 Lines:1-14)*

One of ordinary skill in the art would have added these features into Alleckson/Frid/Tacklind with the motivation of providing a more cost-efficient and effective system for patient-health monitoring in non-clinical settings. (see at least Shusterman Column:1 Lines:10-25).

15. Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alleckson in further view of Frid in further view of Davis et al. (US 5828966) (hereinafter Davis).

Claim 75

Alleckson as shown, discloses the following limitations:

- *converting measured data so as to generate biological measurement information data and/or measurement information data including the biological measurement data; (see at least Alleckson Column:6 Lines:60-67 Column:7 Lines:1-5 & 60-67)*
- *automatically transmit/receive the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein; (see at least Alleckson Column:2 Lines:62-67 Column:3 Lines:1-10)*

Alleckson does not disclose the following limitations, however Frid, as shown does:

- *a portable measurement unit for performing a biological measurement for diagnosing a user's health; (see at least Frid Column:4 Lines:14-25)*
- *a server connected to a communication network and including a database for storing the measurement information data, the measurement information data being classified by collecting and analyzing the measurement information data; (see at least Frid Fig:1 Items:10-40 Fig:3 Items:14-60)*
- *a cradle connected to the portable measurement unit (see at least Frid Column:1 Lines:16-21 & 33-40)*
- *wherein the cradle comprises a coupling guide to couple the portable measurement unit; (see at least Frid Column:1 Lines:33-40)*
- *the cradle automatically communicating to the portable measurement unit when putting the portable measurement unit on the cradle; (see at least Frid Fig:1 Items:10-40 Fig:3 Items:14-60)*

It would have been obvious to one of ordinary skill in the art to add these features into Alleckson. One of ordinary skill in the art would have added these features into Alleckson with the motivation of providing a more efficient, accurate, and reliable system for home healthcare monitoring. (see at least Frid Column:1 Lines:63-67).

Alleckson/Frid does not disclose the following limitations, however Davis, as shown does:

- *a switch to confirm coupling of the cradle and the portable measurement unit; (see at least Davis Fig:6 Items:74-85 Fig:7 Item:110 & related text)*

It would have been obvious to one of ordinary skill in the art to add the feature of Davis into Alleckson/Frid. One of ordinary skill in the art would have added this feature into Alleckson/Frid with the motivation of providing a more effective means of pairing a mobile unit with a docking station, and accurately notifying that the two units have been properly attached. (see at least Davis Column:1 Lines:59-67 Column:2 Lines:1-67 Column:3 Lines:1-50).

Response to Arguments

16. Applicant's arguments received on 27 August 2008 have been fully considered but they are not persuasive. Applicants' arguments will be addressed herein below in the order in which they appear in the response filed 27 August 2008.

17. As per claim 1 Applicant argues prior art in the first Office Action does not teach or suggest added and amended claim language; "*a cradle connected to the portable measurement unit so as to automatically transmit/receive the measurement information data to/from the portable measurement unit and/or the server by means of a program stored therein, the cradle automatically communicating to the portable measurement unit when putting the portable measurement unit on the cradle,*". Examiner respectfully disagrees and points out that this claim language was not

addressed in the first Office Action because this claim language is not included in the previous application. Applicant's argument is moot in light of the cited prior-art.

18. As per claim 1, Applicant further argues that the prior art does not teach or suggest that a *"the server by means of a program stored therein,"*. Examiner respectfully disagrees and points directly to the specific citation noted by Applicant. Examiner states that a "healthcare device is initiated using software executing on the computer system" does suggest and teach *"the server by means of a program stored therein"*.

19. As per claim 2, Examiner notes Applicant's withdrawal of claim 2, and thus rejection of claim 2 is moot.

20. As per claims 4-6, 9, 11, 18-23, 26, 30 and 69 applicant makes the same general arguments found in claim 1, and are rejected for on the same grounds.

21. As per claim 62 Applicant argues prior art in the first Office Action does not teach or suggest added and amended claim language. Examiner respectfully disagrees and points out that this claim language was not addressed in the first Office Action because this claim language is not included in the previous application. Applicant's argument is moot in light of the cited prior-art.

22. As per claim 62 Applicant argues that prior art does not teach or suggest that the "cradle automatically communicates to the portable measurement o the cradle. Examiner respectfully disagrees with Applicants argument, and points out that the cited prior art references must be considered in combination. (see at least Alleckson Fig:1 & 2, and see at least Frid Fig:1 & related text)

23. As per claims 63 and 64 applicant makes the same general arguments found in claim 62, and are rejected for on the same grounds.

24. As per claim 3 applicant makes the same general arguments found in claim 1, and are rejected for on the same grounds. In addition applicant argues the patentability of claim 3, based on issues with prior art reference Tacklind. Examiners respectfully disagrees with Applicant's arguments and points out that prior art references must be taken in combination.

25. As per claim 34 Applicant argues prior art in the first Office Action does not teach or suggest added and amended claim language. Examiner respectfully disagrees and points out that this claim language was not addressed in the first Office Action because this claim language is not included in the previous application. Applicant's argument is moot in light of the cited prior-art.

26. As per claims 35-39, 45-46, 52-56, 58-59, 70, and 72-73 applicant makes the same general arguments found in claim 34, and are rejected for on the same grounds.

27. As per claims 65-67 applicant makes the same general arguments found in claim 3, and are rejected for on the same grounds.

28. As per claims 43 & 71 applicant makes the same general arguments found in claim 34, and are rejected for on the same grounds. In addition applicant argues the patentability of claims 43 & 71, based on issues with prior art reference Schusterman. Examiners respectfully disagrees with Applicant's arguments and points out that prior art references must be taken in combination.

29. As per added claims 74 & 75 Applicant argues prior art in the first Office Action does not teach or suggest added and amended claim language. Examiner respectfully disagrees and points out that this claim language was not addressed in the first Office Action because this claim language is not included in the previous application. Applicant's argument is moot in light of the cited prior-art. In addition claims 74 & 75 Examiner makes the same general arguments found in claims 1, 34 & 62, and are rejected for on the same grounds.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAJIV J. RAJ whose telephone number is (571) 270-3930. The examiner can normally be reached on Monday thru Friday 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

Application: 10/552,935

Paper No. 20081203

Art Unit: 3686

Page 31

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/RJR/ Art Unit 3626
12/02/08

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686